



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10105 of 2016

LEON

..PETITIONER/ACCUSED No.4

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERKOVIL, KANYAKUMARI DISTRICT.
CR.NO.53/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S K.SUDALAIYANDI Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.4, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 416, 418, 419, 468, 469, 471 and 420 IPC, in Crime No.53 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the de facto complainant purchased a property to an extent of 11 3/8 cents in Survey No.546 under a sale deed on 31.01.2000 and while he was in need of money, he mortgaged the sale deed with A.1, Stephen and obtained loan and subsequently they settled the loan amount and demanded return of document. The first accused informed them that the document was misplaced and he will arrange for the sale of the property. While so, the husband of the de facto complainant died on 30.11.2014. Subsequently, the de facto complainant came to know that A.1 forged a power of attorney impersonating her husband and sold the property to other accused. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is only an attesting witnesses. He has nothing to do with the impersonation alleged to have been committed by the first accused, namely Stephen. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The co-accused were already granted anticipatory bail by this Court vide order dated 14.06.2016 made in Crl.O.P(MD)Nos.3116 and 3117 of 2016.



4.The learned Government Advocate (Criminal side) submitted that A.1 and other accused have colluded together and fabricated a power of attorney by impersonating the husband of the de facto complainant and sold the property belonging to him. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence tookplace in the year 2011 and the petitioner is only an attesting witnesses and the co-accused were already granted anticipatory bail by this Court vide order dated 14.06.2016 made in CrI.O.P(MD)Nos.3116 and 3117 of 2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagerkovil, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
23/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
NAGERKOVIL, KANYAKUMARI DISTRICT.

+1. CC to M/S K.SUDALAIYANDI Advocate SR.No.32618

ORDER IN
CRL OP(MD) No.10105 of 2016
Date :23/06/2016

PBK/GSV-PM/SAR-I 28/06/2016 ::3P-6C::